

Forty-eighth Legislature
Second Regular Session

COMMITTEE ON HUMAN SERVICES

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2764

(Reference to printed bill)

1 Page 2, between lines 6 and 7, insert:

2 "Sec. 2. Section 8-846, Arizona Revised Statutes, is amended to read:

3 8-846. Services provided to the child and family

4 A. Except as provided in ~~subsection~~ SUBSECTIONS B AND C of this
5 section, if the child has been removed from the home, the court shall order
6 the department to make reasonable efforts to provide services to the child
7 and the child's parent.

8 B. The court shall consider the following factors and reunification
9 services are not required to be provided if the court finds by clear and
10 convincing evidence that:

11 1. One or more of the following aggravating circumstances exist:

12 (a) A party to the action provides a verified affidavit that states
13 that a reasonably diligent search has failed to identify and locate the
14 parent within three months after the filing of the dependency petition or the
15 parent has expressed no interest in reunification with the child for at least
16 three months after the filing of the dependency petition.

17 (b) The parent or guardian is suffering from a mental illness or
18 mental deficiency of such magnitude that it renders the parent or guardian
19 incapable of benefitting from the reunification services. This finding shall
20 be based on competent evidence from a psychologist or physician that
21 establishes that, even with the provision of reunification services, the
22 parent or guardian is unlikely to be capable of adequately caring for the
23 child within twelve months after the date of the child's removal from the
24 home.

25 (c) The child previously has been removed and adjudicated dependent
26 due to physical or sexual abuse. After the adjudication the child was
27 returned to the custody of the parent or guardian and then subsequently
28 removed within eighteen months due to additional physical or sexual abuse.

1 (d) A child is the victim of serious physical or emotional injury by
2 the parent or guardian or by any person known by the parent or guardian, if
3 the parent or guardian knew or reasonably should have known that the person
4 was abusing the child.

5 (e) The parent's rights to another child have been terminated, the
6 parent has not successfully addressed the issues that led to the termination
7 and the parent is unable to discharge parental responsibilities.

8 (f) After a finding that a child is dependent, all of the following
9 are true:

10 (i) A child has been removed from the parent or guardian on at least
11 two previous occasions.

12 (ii) Reunification services were offered or provided to the parent or
13 guardian after the removal.

14 (iii) The parent or guardian is unable to discharge parental
15 responsibilities.

16 2. The parent or guardian of a child has been convicted of murder or
17 manslaughter of a child, or of sexual abuse **OF A CHILD**, sexual assault of a
18 child, sexual conduct with a minor, molestation of a child, commercial sexual
19 exploitation of a minor, sexual exploitation of a minor, or luring a minor
20 for sexual exploitation.

21 3. The parent or guardian of a child has been convicted of aiding or
22 abetting or attempting, conspiring or soliciting to commit any of the crimes
23 listed in paragraph 2 of this subsection.

24 C. IF A DEPENDENCY PETITION WAS FILED PURSUANT TO SECTION 8-874,
25 SUBSECTION J, THE COURT MAY DIRECT THE DIVISION NOT TO PROVIDE REUNIFICATION
26 SERVICES TO THE CHILD'S PARENTS UNLESS THE COURT FINDS BY CLEAR AND
27 CONVINCING EVIDENCE THAT THESE SERVICES WOULD BE IN THE CHILD'S BEST
28 INTERESTS."

29 Renumber to conform

30 Page 3, line 4, strike "**HAS**"

31 Line 5, strike "**DIED OR**" after the comma insert "**THE PERMANENT GUARDIAN, THE**
32 **DIVISION OR**"

House Amendments to H.B. 2764

- 1 Page 3, line 16, after "B." insert "**IF THE MOTION IDENTIFIES A PROPOSED SUCCESSOR**
- 2 **PERMANENT GUARDIAN,**"
- 3 Page 4, lines 7 and 8, strike "**APPOINTMENT OF THE PERSON NOMINATED AS A**" insert
- 4 **"PROPOSED"**
- 5 Amend title to conform

and, as so amended, it do pass

J. PETER HERSHBERGER
Chairman

2764-hs
2/21/08
H:jjb